

DEPOSITION OF PAUL A. LONDYN SKY - 5/12/2005

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

BERT MEYER,)
vs. Plaintiff,) No. 04-00049 H6/BMK
MATSON NAVIGATION COMPANY,)
INC., Defendant.)

)

DEPOSITION OF PAUL A. LONDYN SKY

DATE: May 12, 2005

TIME: 9:31 a.m.

LOCATION: MATSON NAVIGATION COMPANY

555 12th Street

Oakland, California

REPORTED BY: Melissa Roen Williams, CSR, RPR

Certified Shorthand Reporter

License Number 12284

EXHIBIT A

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1 A I was the Director of Environmental Affairs.
 2 And before that, the vessel manager. And before that, I
 3 was chief officer on various Matson vessels.

4 Q Okay. And what are your current job duties?
 5 A We have oversight of the safety and
 6 environmental quality, security, emergency response,
 7 crisis management, and spill response functions for the
 8 company.

9 Q Okay. And that would be -- that would include
 10 the Matson Navigation vessels?

11 A Yes.

12 Q Okay. What about shoreside terminals?

13 A We establish policy for the shoreside
 14 terminals. But when you're dealing with a shoreside
 15 function, such as a terminal where you have a
 16 significant number of employees really, safety becomes a
 17 line function, not an administrative function. So we
 18 have had our line superintendents actually being the
 19 safety officers, if you will, for the terminal.

20 Q When you say line superintendents, what
 21 exactly do you mean by that?

22 A The supervisor personnel of the terminal.

23 Q The stevedore?

24 A The management employees who manage or
 25 supervise the stevedores.

1 Q Would you agree that Exhibit 1 is -- was Keahi
 2 Birch's job description at that time?
 3 A It appears that way, yes.

4 Q Okay. And the document was drafted by you on
 5 June 6, 2000; is that right?

6 A Apparently.

7 Q Do you recall drafting the document?
 8 A I do recall drafting the document.

9 Q Okay. Where it says specific
 10 accountabilities, do you see where it has number three,
 11 it says, "Coordinate Matson's terminal safety program in
 12 Hawaii with all applicable accident prevention programs,
 13 conduct periodic safety inspections at the terminals,
 14 and disseminate pertinent information to applicable
 15 departments"?

16 Did those duties cover both the vessels and
 17 the shoreside part of the terminal?

18 A No.

19 Q What do they cover?

20 A The shoreside part of the terminal.

21 Q Okay. I'm going to mark the Matson Terminals,
 22 Inc., accident report from Mr. Meyer's accident as
 23 Exhibit 2 and put a copy of it in front of you.

24 (Whereupon, Exhibit 2 was marked for
 25 identification.)

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1 Q Okay. Is your office in Oakland now?
 2 A Yes.
 3 Q Was Keahi Birch the Matson Navigation safety
 4 manager in Honolulu on October 1, 2002?

5 A She was the Manager of Safety and
 6 Environmental Affairs.

7 Q Okay. And did she report to you at that time?

8 A She reported partly to me.

9 Q And who else did she report to?

10 A To the vice president -- or excuse me,
 11 President of Matson Terminals.

12 Q Who is the President of Matson Terminals right
 13 now?

14 A Mr. Gary North.

15 Q And was he the President of Matson Terminals
 16 on October 1, 2002?

17 A Yes.

18 Q We'll call this Exhibit 1 to your deposition.
 19 This is a document that has been produced to me by
 20 Matson in this lawsuit as being Keahi Birch's job
 21 description as of October 1, 2002. I use that date,
 22 because that's the date of the accident.

23 (Whereupon, Exhibit 1 was marked for
 24 identification.)

25 BY MR. EASLEY:

1 BY MR. EASLEY:

2 Q Have you ever seen that document in front of
 3 you before?

4 A No.

5 Q Okay. Do you see where there's a stamp at the
 6 top that says, "Received October 2, 2002"?

7 A Yes.

8 Q And then there's a signature. It says "by,"
 9 and then there's a signature.

10 Do you see that?

11 A Yes, sir.

12 Q Do you know whose signature that is?

13 A Yes.

14 Q Who?

15 A It's apparently Jimmy Zane.

16 Q Who is Jimmy Zane?

17 A Jimmy Zane is the safety manager for McCabe,
 18 Hamilton & Renny in Honolulu.

19 Q When Matson Terminals, Inc., prepares accident
 20 reports such as the one that's Exhibit 2, what is the
 21 routing of those reports?

22 A Well, at this time --

23 Q Well, actually, to be fair about the question,
 24 as of the time of Mr. Meyer's accident.

25 A My understanding is that the supervisor is

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3 (Pages 6 to 9)

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<p>1 Q Which ones of those did you review?</p> <p>2 A Three of them. Do we have -- they're</p> <p>3 somewhere. One was dealing with stock tenders. Another</p> <p>4 one was dealing with -- what was the other one dealing</p> <p>5 with? I'm having trouble recalling.</p> <p>6 Q Are those documents part of the Matson</p> <p>7 Navigation Company Safety and Pollution Manual?</p> <p>8 A Several of them were.</p> <p>9 Q Were there any that were not part of the --</p> <p>10 A Yes.</p> <p>11 Q Which ones were not part of the Safety and</p> <p>12 Pollution Manual?</p> <p>13 A The stock tender one.</p> <p>14 (Whereupon, Exhibit 5 was marked for</p> <p>15 identification.)</p> <p>16 BY MR. EASLEY:</p> <p>17 Q I've put another document in front of you that</p> <p>18 I've marked Exhibit 5. It says Matson Navigation</p> <p>19 Company Safety and Pollution Manual. Title: Working</p> <p>20 Aloft. Effective date: July 5, 2000. And it's number</p> <p>21 C-01-190.</p> <p>22 And did you draft this document?</p> <p>23 A No.</p> <p>24 Q Okay. At the top it says, "Prepared by P.A.</p> <p>25 Londynsky."</p>	<p>1 A For Matson Navigation and subsidiaries.</p> <p>2 Q Okay. Would that include Matson Terminals,</p> <p>3 Inc.?</p> <p>4 A Well, we take it that it does, yes.</p> <p>5 Q Now, Keahi Birch is no longer the Matson</p> <p>6 Navigation safety manager in Honolulu; is that right?</p> <p>7 A That's correct.</p> <p>8 Q Who was she replaced by?</p> <p>9 A There's an open position to handle the safety</p> <p>10 function in Londynsky. At the moment I have sent</p> <p>11 Jonathan Sims, our current Manager of Safety and</p> <p>12 Compliance, to fill that position until we can recruit a</p> <p>13 candidate.</p> <p>14 Q Is that S-i-m-s?</p> <p>15 A Yes.</p> <p>16 Q So he's filling that position on an interim</p> <p>17 basis?</p> <p>18 A Yes.</p> <p>19 Q Is he based in Oakland or was he based in</p> <p>20 Oakland?</p> <p>21 A He had been -- he's permanently domiciled in</p> <p>22 Oakland. He's on a six-month temporary assignment to</p> <p>23 Honolulu.</p> <p>24 Q Does Matson Terminals, Inc. have a safety</p> <p>25 manager in Honolulu right now?</p>
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<p>1 If you didn't draft it, why does it say,</p> <p>2 "Prepared by P.A. Londynsky"?</p> <p>3 A Well, Mr. Easley for the same reason that you</p> <p>4 might have an associate prepare a brief for you, I have</p> <p>5 a staff of people that work for me, and these go out</p> <p>6 under my signature.</p> <p>7 Q Okay. And was Exhibit 5 in effect as of</p> <p>8 October 1st, 2002?</p> <p>9 A Well, again, we have a lot of revisions on a</p> <p>10 lot of different procedures, so I have no personal</p> <p>11 knowledge that this particular document was the one that</p> <p>12 was in effect.</p> <p>13 Apparently -- it looks like it could be, but I</p> <p>14 don't know for sure.</p> <p>15 Q To your knowledge, did the crew of the LINUE</p> <p>16 prepare any documents concerning Mr. Meyer's accident?</p> <p>17 A I don't have any knowledge of them.</p> <p>18 Q Is Matson Terminals a wholly owned subsidiary</p> <p>19 of Matson Navigation?</p> <p>20 A I don't know what the legal relationship is</p> <p>21 between the two companies.</p> <p>22 Q Your job title, which is Director of Safety,</p> <p>23 Quality & Environmental Affairs, are you the director of</p> <p>24 safety, quality and environmental affairs for both</p> <p>25 Matson Navigation and Matson Terminals, Inc.?</p>	<p>1 A Well, that's the -- that's the position that</p> <p>2 Jonathan is filling for Matson Terminals.</p> <p>3 Q Okay. Who's his employer?</p> <p>4 A Again, he's still employed by Matson</p> <p>5 Navigation, but he has been detailed to be the safety</p> <p>6 manager at Sand Island for Matson Terminals for the next</p> <p>7 six months.</p> <p>8 Q When an accident occurs on a Matson vessel, is</p> <p>9 some type of report prepared pursuant to the ISM Safety</p> <p>10 Code?</p> <p>11 A If it's an accident that involves ships</p> <p>12 personnel or that the vessel is aware of, then the ship</p> <p>13 will generally prepare an accident report.</p> <p>14 Q Did that occur in Mr. Meyer's case?</p> <p>15 A I don't know.</p> <p>16 Q Who would know?</p> <p>17 A I would assume that the claims department</p> <p>18 would know.</p> <p>19 Q Which claims department?</p> <p>20 A Matson.</p> <p>21 Q Matson Navigation?</p> <p>22 A Yeah.</p> <p>23 Q Are you what's called the ISM designated</p> <p>24 person for Matson Navigation?</p> <p>25 A Yes.</p>
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6 (Pages 18 to 21)

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3 Pursuant to SECTION 2025(q)(1) of the Code of Civil
4 Procedure of the State of California, I hereby certify
5 that I have read my deposition, made those changes and
6 corrections I deem necessary, and approve the same as
7 now written.

8 Dated this ____ day of _____, 2004.
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Under Penalty of Perjury

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1 STATE OF CALIFORNIA)
2 COUNTY OF SANTA CLARA)
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4 I, MELISSA ROEN WILLIAMS, Certified Shorthand
5 Reporter for the State of California, hereby certify
6 that the witness in the foregoing deposition,
7 PAUL A. LONDYNSKY,
8 was by me duly sworn to tell the truth, the whole truth,
9 and nothing but the truth in the within-entitled cause,
10 and that the foregoing is a full, true, and correct
11 transcript of the proceedings had at the taking of said
12 deposition, reported to the best of my ability and
13 transcribed under my direction.

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16 Date: May 29, 2005

CSR NO. 12284

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